

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

PHIL BREDESEN,  
Governor of the State of Tennessee,

Plaintiff,

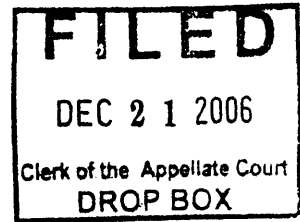
v

TENNESSEE JUDICIAL  
SELECTION COMMISSION,

Defendant.

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No. \_\_\_\_\_  
(Appeal from the Chancery Court of  
Davidson County No. 06-2275 III)



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**MOTION FOR SUPREME COURT TO REACH DOWN PURSUANT TO  
T.C.A. §16-3-201(D)(2)(3)(4), FOR STAY OF TRIAL COURT'S  
FINAL ORDER AND FOR EXPEDITED HEARING**

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Comes now, J. Houston Gordon, necessary party/intervenor below, pursuant to Rule 22, Tennessee Rules of Appellate Procedure, to move this Court to exercise its jurisdiction under T.C.A. §16-3-201(d) (2)(3)(4) and Rule 2, Tennessee Rules of Appellate Procedure, and assume jurisdiction over this appeal, to stay the final order and judgment of the trial court and to order an expedited appeal in this matter, and would show:

I.

On December 14, 2006, the trial court entered its final judgment and order in this classic dispute between two of the three branches of our State government. A copy of the trial court's Memorandum and Order is included as Appendix 24 filed herewith.

II.

Gordon timely filed his Notice of Appeal and Motion for Stay in the trial court on December 22, 2006, copies of the same being attached hereto as Exhibits A and B.

### III.

The trial court's decision encompasses not only issues of statutory interpretation but determinations of important constitutional issues of unusual public importance related to the integrity of the Tennessee Plan, T.C.A. §§14-4-101, *et seq.*, the process by which the Legislature has determined, pursuant to its powers under Art. VII, §4 of the Tennessee Constitution, that vacancies on our State's highest Court are to be filled.

### IV.

This matter involves issues of statutory interpretation, constitutional law and public policy under Art. I, §8 and Art. XI, §§8 and 16 of the Tennessee Constitution and the 14<sup>th</sup> Amendment to the United States Constitution which directly impact the rights of applicants and nominees and the statutorily mandated process for filling vacancies on the Supreme Court.

### V.

Determination of the issues in this case will have a salient, dramatic, and precedent setting impact on the confidence that the citizens of Tennessee as well as the bench and bar have in our highest court.

### VI.

This Court is requested to stay the Trial Court's order, suspend the rules, order an expedited briefing schedule and hearing on this matter to clarify the rights, duties and obligations of the parties herein. Movant suggests that a briefing schedule be adopted that requires Gordon's and Lewis's briefs be due on or before January 18, 2007, Plaintiff's and Commission's briefs be due on February 2, 2007 so that this Court can hear the case while in Nashville in February, 2007.

WHEREFORE, FOR ALL OF THE ABOVE REASONS and those set forth in the memorandum filed in support hereof, this Court is requested to grant this motion.

RESPECTFULLY SUBMITTED this the 22<sup>nd</sup> day of December, 2006.

BY:



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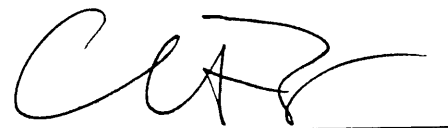
**CERTIFICATE OF SERVICE**

Counsel for Intervenor certifies that on this the 22<sup>nd</sup> day of December 2006, a true and correct copy of the foregoing was mailed and/or hand delivered to:

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A handwritten signature in black ink, appearing to read 'R. E. Cooper, Jr.', is written over a horizontal line.